

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:12-CV-371-FL

GUSTAVO ROMANELLO, and
ACELA ROMANELLO,

Plaintiffs,

v.

BANKUNITED, INC., SUBSTITUTE
TRUSTEE SERVICES OF CAROLINA,
LLC., BROCK & SCOTT, PLLC,
RAGSDALE LIGGETT, PLLC, and
ASHLEY H. CAMPBELL,

Defendants.

ORDER

This pro se case is before the court on the application (D.E. 1) by plaintiffs Gustavo Romanello and Acela Romanello (“plaintiffs”) to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a)(1) and for a frivolity review pursuant to 28 U.S.C. § 1915(e)(2)(B), respectively. These matters were referred to the undersigned Magistrate Judge, pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), respectively. The court finds that plaintiff has demonstrated appropriate evidence of inability to pay the required court costs, and the application to proceed *in forma pauperis* is ALLOWED. However, the court must dismiss a case brought *in forma pauperis* if the court determines that the action is frivolous or malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from an immune defendant. 28 U.S.C. § 1915(e)(2)(B); *see Denton v. Hernandez*, 504 U.S. 25, 27 (1992) (standard for frivolousness). After a thorough review of plaintiff’s proposed complaint (D.E. 1-1), which alleges violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, and the North Carolina Unfair and Deceptive

Trade Practices Act, N.C. Gen. Stat. § 75-1, *et seq.*, the court finds that this case is not frivolous and does not suffer from the other deficiencies specified in 28 U.S.C. § 1915(e)(2)(B).

The Clerk is therefore DIRECTED to file the complaint and issue the summons prepared by plaintiff. The U.S. Marshal is DIRECTED to serve the summons and a copy of the complaint on defendant.

This, the 30th day of July 2012.



James E. Gates
United States Magistrate Judge